

HOUSE No. 974

By Mr. Rushing of Boston, petition of Byron Rushing and others for legislation to clarify the sealing of conviction criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Byron Rushing
Alice K. Wolf

Gloria L. Fox

In the Year Two Thousand and Five.

AN ACT CLARIFYING THE SEALING OF CONVICTION CRIMINAL OFFENDER RECORD INFORMATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 100A of chapter 276 of the General Laws is hereby
2 amended by striking the first sentence from its beginning through
3 the end of clause (3) and inserting in place thereof the following:
4 Any person having one or more records of criminal court convic-
5 tions in the commonwealth which are recorded in the probation
6 central file in the office of the commissioner of probation may, on
7 a form furnished by the commissioner and signed under the penal-
8 ties of perjury, request that the commissioner seal such record or
9 records. The commissioner shall comply with such request pro-
10 vided (1) that any record requested to be sealed, including termi-
11 nation of court supervision, probation or sentence for any
12 misdemeanor, occurred not less than ten years prior to said
13 request; (2) that any record requested to be sealed, including ter-
14 mination of court supervision, probation or sentence for any
15 felony occurred not less than fifteen years prior to said request;
16 (3) that said person has not been found guilty within the common-
17 wealth in the ten years preceding such request of any criminal
18 offense punishable by incarceration for more than one year.